

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of: )  
)  
Joseph J. Kubler et al. )  
)  
Serial No. 10/701,865 )  
)  
Filed: November 5, 2003 )  
)  
For: Hierarchical Data Collection Network )  
Supporting Packetized Voice )  
Communications Among Wireless )  
Terminals And Telephones )  
)  
Examiner: Moore, Ian N. )  
)  
Group Art Unit: 2616 )  
)  
Confirmation No.: 7803 )

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached with this electronic submission are the following:

- A completed PTO/SB/08A which has one (1) page.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Two (2) references are attached.

**FEE DETERMINATION AND PAYMENT**

A fee of \$180.00 is due because:

- The first Office action on the merits has been received by applicant(s).
- Applicant(s) believe(s) that this statement and attachments are being filed before any final action has been mailed by the PTO; before a notice of allowance has

issued; and prior to any other action that would close prosecution in the application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

#### **REQUEST FOR CONSIDERATION**

This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.


The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, pending in the Central District of California.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned lawsuit and/or investigation. This electronic submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial both copies of the attached PTO/SB/08A and return one copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: June 22, 2006

  
\_\_\_\_\_  
Kevin E. Borg  
Reg. No. 51,486  
McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000

Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet	1	of	1
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<b>Application Number</b>	10/701,865
<b>Filing Date</b>	November 5, 2003
<b>First Named Inventor</b>	Joseph J. Kubler et al.
<b>Group Art Unit</b>	2616
<b>Examiner Name</b>	Moore, Ian N.
<b>Attorney Docket No.</b>	14364US03

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C1	Amended Preliminary Invalidity Contentions with Exhibit E, 02/21/2006
	C2	KOYAMA et al., "Personal Multimedia Communication Systems", 44(4), Hitachi Review 207, Hitachi, Ltd., 08/1995

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published

Amended Preliminary Invalidity Contentions with Exhibit E, 02/21/2006

KOYAMA et al., "Personal Multimedia Communication Systems", 44(4), Hitachi Review 207, Hitachi, Ltd., 08/1995

EXAMINER  
SIGNATURE

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 (1800-786-9199) and select option 2.*